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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,522	10/30/2000	Mark Robert Sivik	7576R&	7311

27752 7590 01/09/2002

THE PROCTER & GAMBLE COMPANY  
PATENT DIVISION  
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CINCINNATI, OH 45217

EXAMINER

HARDEE, JOHN R

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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627-8150  
Wough  
627-7386

# Office Action Summary

Application No.  
09/699,522

Applicant(s)

Sivik et al.

Examiner

John R. Hardee

Art Unit

1751



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-27 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 1751

## DETAILED ACTION

### *Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-27, drawn to compositions containing polymers comprising cationically charged groups, classified in class 510, subclass 475.

II. Claims 1-27, drawn to compositions comprising polymers containing cationic and anionic charge, classified in class 510, subclass 476.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-II are separately patentable. A disclosure drawn to one of the inventions would not anticipate or make obvious the other invention. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3. **If Group I is chosen**, further restriction is required to one of the following:

1. Polymers in which L is O. ✓
2. Polymers in which L is NR6.
3. Polymers in which L is SR7R8.
4. Polymers in which L is a mixture of the above.
5. Polymers which do not correspond to any of 1-4.

Art Unit: 1751

If 5 or 6 is chosen, further restriction may be required.

4. The inventions are distinct, each from the other because of the following reasons:

Inventions 1-5 are separately patentable. A disclosure drawn to one of the inventions would not anticipate or make obvious the other invention. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. **If Group II is chosen**, further restriction is required to one of the following:

1. Polymers in which L is  $O_2CNR'$ .
2. Polymers in which L is ester or reverse ester.
3. Polymers in which L is carbonate.
4. Polymers in which L is ether.
5. Polymers which do not correspond to any of 1-4.

If 5 is chosen, further restriction may be required.

Having chosen one of Groups 1-5, further restriction is required to one of the following:

1. Polymers in which R3 is COOM.
2. Polymers in which R3 is SO3M.
3. Polymers in which R3 is OSO3M.
4. Polymers in which R3 is  $CH_2P(O)(OM)_2$

Art Unit: 1751

5. Polymers in which R3 is  $OP(O)(OM)_2$
6. Polymers containing an R11 group
7. Polymers which do not correspond to any of 1-6.

If 6 or 7 is chosen, further restriction may be required.

Having chosen one of Groups 1-7, further restriction is required to one of the following:

1. Polymers in which L1 is ester or reverse ester.
  2. Polymers in which L1 is carbonate.
  3. Polymers in which L1 is amide or reverse amide.
  4. Polymers in which L1 is  $(R'N)_2CO$ .
  5. Polymers in which L1 is  $(R'N)_2SO$ .
  6. Polymers in which L1 is  $CO_2NR'$ .
  7. Polymers in which L1 is  $N=CR'$ .
  8. Polymers in which L1 is amine.
  9. Polymers in which L1 is ether.
6. **Having chosen either Group I or Group II**, further restriction is required to one of the following methods of use:
- A Claim 22, drawn to personal care, classified in class 510, subclass 119+.
  - B Claim 23, drawn to laundering fabric, classified in class 510, subclass 276+.
  - C Claim 24, drawn to cleaning hard surfaces, classified in class 510, subclass 191+.

Art Unit: 1751

D Claim 25, drawn to crop treatment, classified in class 514, various subclasses.

E Claim 26, drawn to oil field treatment, classified in class 507, subclass 100+.

F Claim 27, drawn to fire fighting, classified in class 169, subclass 43+.

7. The inventions are distinct, each from the other because of the following reasons:

Inventions A-F are separately patentable. A disclosure drawn to one of the inventions would not anticipate or make obvious any of the other inventions. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper. In addition, applicant is entitled to examination of one method of use for any product claimed.

8. Because the restriction requirement is relatively complex, no telephone restriction was attempted.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Art Unit: 1751

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (703) 305-5599. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (703) 308-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'J. Hardee', with a stylized, cursive script.

John R. Hardee

Primary Examiner

January 8, 2002